

**FITCHBURG PLANNING BOARD MEETING MINUTES  
TUESDAY, AUGUST 18, 2009**

**MEMBERS PRESENT:** Paula Caron, Chair  
John DiPasquale  
Mike DiPietro  
Paul Fontaine, Jr.  
Mike Hurley  
Nancy Maynard

**MEMBERS ABSENT:** Elizabeth Slattery

**PLANNING OFFICE:** David Streb  
Mike O'Hara

**Call to Order**

Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

**Communications**

A proposal for traffic design services on Main Street received by the city was distributed that concerned circulation and signal optimization at the Upper Common, and a look at angle parking and other traffic calming measures on Main Street between Blossom and Mechanic Streets. Mr. Streb said he thinks that a pending energy grant will fund design services for traffic at the Upper Common, but requested that the Board fund the second task with the Bridle Cross Traffic Improvement account (currently about \$94K in acct.). Ms. Caron said there was another study that looked at the same thing and that staff should review that. Mr. Streb thought that might be the John Edwards Study for two-way Main Street and Boulder Drive, and that he'd look at that. The Board tabled the request until next meeting.

Staff brought up the idea of sending letters to owners of certain properties that looked unsightly. The Board voted to send letters from the Vice-Chair to Enterprise Rental Car on Water St., the Alexander Beauty Academy, 112 River St., the factory at 91 River St. (former Iver Johnson bldgs.), Performance Auto, and the Lipton Center on Main St. Staff agreed to prepare letters for Mr. Hurley's signature.

**Meeting Minutes**

July meeting minutes had not been mailed to Board

Ms. Caron had some corrections, but the Board agreed to wait until next meeting to approve.

**ANR plans**

The Board reviewed and endorsed the following "ANR" plans:

**Elm Street - Elm Street Congregational Church**

Two buildings on one lot – 264 Elm St. (church) and 276 Elm Street (dwelling) being split. Proposed house lot (Lot 1) is 8,848 sq. ft. and may need relief from lot size requirement from ZBA. Standard zoning disclaimer is on plan.

(Later in meeting, Planning Board voted to authorize Dave Streb to endorse plan on their behalf if the applicant submits a plan showing a conforming 10,000 sq. ft. Lot 1).

#### Summer Street, Anzallo

Two buildings on one lot. Dwelling in front (167 Summer St.) is to be split off from dwelling at rear (165 Summer St.) Neither lot will meet the 10,000 sq. ft. minimum; the lot to the rear will have no street frontage, but has access easement along existing driveway. Will need zoning relief from ZBA. Standard zoning disclaimer is on plan.

#### Authority Drive

A 24,074 sq. ft. Parcel "A" to be conveyed from 160 Authority Drive (Spectro Analytical Instruments) to 20 Authority Drive (Geosearch).

#### Fairmount Street, Labell Construction

Splitting parcel into ten parcels to obtain financing for 18-unit PUD project (nine two-family condos) approved in 2008.

Mr. Fontaine asked about the status of properties when two buildings are on a lot and are split into non-conforming lots as regards zoning. Situations like these often come up, and he's not sure how to appraise them. By splitting the lots and resulting in homes on an undersized lot, does it create an illegal zoning violation, or does it create a legally existing non-conforming use? Staff will check.

#### **Minor Site Plan Review**

None.

#### **PUBLIC HEARINGS**

##### Special Permit - 1428 Main Street Realty Trust, 1428 Main St.

(former Homeline Furniture), Mill Conversion (continued from 7-21-09)

Wes Flis, Whitman & Bingham presented. He stated that the applicant was agreeable to extend the sidewalks down Sheldon Street to River Street, and to make payments for an intersection improvement study at River and Main Streets. The applicant is willing to pay for the study, but not for the design of the improvements. Wes estimated that the study would cost between \$15-25,000, depending on the scope.

Ms. Caron and Mr. Fontaine both expressed skepticism regarding the value of a study. Wes disagreed, saying that the study will be a conceptual design with recommended improvements.

Board members had discussion regarding the amount and type of off-site improvements, and about a trail easement, and whether it should expire after time if the trail isn't built.

The desire to notify future occupants of the mill about the presence of abutting industrial uses was discussed (similar to what was done when the Saw Mill Pond condos were approved several years ago), and what mechanism to use to notify rental occupants.

Specifying the locations of handicapped spaces and visitors spaces will be left up to the new owner. 225 parking spaces are proposed – one per unit plus 75 visitor spaces, or one per bedroom.

Public Comment: None.

Discussion ensued regarding the total amount of funding to be requested for off-site improvements.

Motion made & seconded to close the public hearing. Vote 5-0 in favor to close the public hearing (Mr. Fontaine abstaining).

More discussion on project, including possible conditions, to take place at September meeting.

Zoning Map amendment – west side of Water St. from Krysiak Ave. to Leominster City Line to Central Business District (CBD) from Residential B (RB)

Petition #185-09

Hearing opened. Board reviewed map of proposed change. It was pointed out that near the Leominster line was already in the Commercial & Automotive district.

Public Comment:

Bob McPhail, 1352 Water St. His property is currently zoned as Commercial & Automotive, which allows auto-related uses by right. He opposes more restrictive zoning (CBD).

Tim Baker, 1251 Water St. He understands the desire to change the zoning of the former South Fitchburg School to make it more marketable, but it doesn't make sense to change all of Water Street because most of the area is residential.

A question arose about the impact of the change on people's taxes.

Jody Joseph, Ward 6 Councilor – As of now, the area is primarily residential, so why change the zoning and allow businesses by right?

Mr. DiPasquale said that we ought to just change the area between Wanoosnoc Road and Normandy Road.

John Sears, 1287 Water St. – Councilor Conry should have consulted with the residents prior to filing his petition, and he should be here at this meeting.

Motion made & seconded to close the public hearing. Vote 6-0 in favor.

Motion made & seconded to recommend modifying the zoning petition to change the affected area to be between Normandy and Wanoosnoc Roads. Vote 5-1 (Mr. DiPietro opposed).

Zoning Ordinance amendment – add to list of parcels in Mill Conversion Overlay District

Petition #194-09. Hearing opened. Board reviewed list of 32 parcels proposed to be added to MCO that were left off the initial list when that district was established in 2001. Mr. Streb pointed out that some of the parcels on the list are vacant lots.

Atty. Watts sent a letter requesting an additional lot on Benson Street (Map 192-9-3) be added to the list that at one point had a raceway for a former mill. The lot is currently vacant.

Motion made & seconded to close the public hearing. Vote 6-0 in favor.

Motion made & seconded to recommend in favor of the petition, provided that the vacant lots are removed from the list

**OTHER BUSINESS**

South Street Crossing (St. Anthony Street Extension – request bond reduction

20 lot subdivision; 10 of the lots are built. There had never been a reduction of the \$326,601 performance bond. DPW-Engineering had estimated that the bond amount could be reduced by only about \$10-20K. There hasn't been that much infrastructure work done since the performance bond was posted. The Board voted to reduce the bond amount to whatever the Engineering Division approved.

"Balsam Heights" Definitive Plan – Endorsement of approval

20-day appeal period had run. Devellis is proposing to put subdivision under covenant. Mylar of the approved plan was endorsed by the Board.

Board voted to authorize Ms. Caron to sign the restrictive covenant following its review by the City Solicitor.

Further discussion Proposed 40R Smart Growth district & Design Guidelines, Concord Square Planning & Development

Angus Jennings presented, briefly recapping the history of the project. Board review proposed language of 40R district and the draft Design Standards.

Discussion ensued regarding specific mill projects and whether they'd be submitted under the 40R ordinance.

Discussion regarding the inability of the Board to direct the State's density bonus payments to infrastructure needs for the projects or specific improvements. The funds are unrestricted. Planning Board voted to submit the proposed 40R district zoning petition to City Council. Angus will submit a draft which the Community Development office will submit on the Board's behalf.

Dininno, medical office at Wanoosnoc Rd. & South St.

Mr. DiPasquale showed the rest of the Board what he saw when he stopped to investigate the work and showed a revised copy of plan, provided by the contractor, which slightly relocated the driveway on Wanoosnoc Rd. and altered the parking layout and landscaping somewhat.

Meeting adjourned 9:30 p.m.

Next meeting: Sept. 15, 2009

*approved:        Sept. 15, 2009*